

REMARKS

Claims 1 to 60 were presented by Applicants. Claims 30-35 were previously withdrawn. Claims 12 and 40 were previously canceled. Accordingly, claims 1-11, 13-29, 36-39, and 41-60 are pending in this application.

Applicants' attorney engaged in a telephone interview with Examiner Huyen X. Vo on September 8, 2005. During the interview, Examiner Vo agreed that the finality of the outstanding office action should be withdrawn.

Examiner Jackson rejected claims 1-5, 7, 10-11, 13, 15-19, 22, 25-26 and 29 35 U.S.C. § 102(e) as being anticipated by Kato et al. (Kato).

Claim 10 recites:

A method of refining a location using a voice channel in a telecommunications network, the method comprising the steps of:
loading a first data file corresponding to a first set of localities;
comparing a first audible input received using the voice channel of the telecommunications network to the first data file to determine a first selected locality; and
loading a second data file corresponding to a second set of localities, wherein each of the localities in the second set are geographically located within the selected locality.

Kato does not disclose the invention of claim 10. For example, the Examiner argues that the "comparing" step is anticipated by Kato at col. 4, lines 36-43 with col. 25, lines 46-49. Col. 4, lines 36-43 reads as follows:

As shown in FIG. 1A, the programmed computer includes first comparison means 1A for comparing the information received from the remote location, which may include information identifying the location of an impedance to travel, with a present guidance route ("new guidance route" or "initially set guidance route") to determine if the impedance to travel is located ahead on the present guidance route.

Here, Kato is describing a computer that can compare traffic data received from a remote location with a guidance route in order to determine whether some

impediment to travel exists along the route. There is no discussion of "a first audible input," nor of input (audible or otherwise) "received using the voice channel of the telecommunications network."

Col. 25, lines 46-49 of Kato recites:

Further, the navigation apparatus may include an audio input device with an analog/digital converter. This audio input device may be configured to execute respective operations responsive to audio/voice commands as input through this audio input device.

In this passage, Kato suggests that some operations of Kato's navigation system could be triggered using an audio command. Again, there is no discussion of "comparing a first audible input ... to the first data file to determine a first selected locality". Furthermore, even the audio commands that Kato does discuss are, at best, spoken commands by the user of the in-vehicle navigation system, and are not "received using the voice channel of the telecommunications network," as claimed.

Clearly, Kato does not disclose the "comparing" step of claim 10.

Kato also does not anticipate the "loading a second data file" step. The Examiner argues that "the first data file" is taught by data file F2 in Kato's Fig. 2, and that the second data file corresponds to data file F4 in the same Fig. 2. To read the claimed limitation on Kato, then, would result in loading a road data file corresponding to road data, wherein each of the roads in the road data file are geographically located within the intersections. Such a reading makes no logical sense.

For at least the above-stated reasons, Kato does not anticipate claim 10, or its dependent claims 11, 13 and 14; or claim 25 and its dependent claims 26-29; 39; 41-42; and 47-50.

Turning to claim 1, it recites:

A method for obtaining data in a mobile telecommunications network, the network including a plurality of mobile units and a plurality of base units, the method comprising:
initiating an application using a data channel of the mobile telecommunications network;
receiving audible input spoken by a user over a voice channel of the mobile telecommunications network;
converting the audible input to application data; and
providing the application data to the application.

Claim 1 is not anticipated by Kato. As Applicants noted in Amendment B, Kato does not disclose "receiving audible input spoken by a user over a voice channel of the mobile communications network" and "converting the audible input to application data," as claimed. The portions of Kato identified by the Examiner at best suggest that a user could provide voice commands to an in-car navigation system. (See Kato, col. 23, line 66 – col. 24, line 1.) Kato does not disclose or suggest that the user speaks audible input over a voice channel of a mobile telecommunications network; nor is an application initiated using a data channel of a mobile telecommunications network. In response, the Examiner writes that "by applicants own admission, page 21 of the remarks, applicants explain that Kato recites a 'cellular phone, telephone communication link, or the like'".

Indeed, it is clear that Kato does recite a "cellular phone, telephone communication link, or the like," which can be used as a data transceiver. (See Kato, col. 7, lines 17-36). The purpose of the data transceiver is to enable communication between the in-vehicle system and the traffic information service known as ATIS. (Id.). The claimed step of receiving audible input spoken by a user over a voice channel of a mobile telecommunications network simply does not read on a data communication between the in-car navigation system and the remote ATIS system as taught by Kato. To the extent that Kato discusses audio, it is only in the context of providing commands to the in-vehicle unit, and is not related to providing input over a voice channel of a mobile telecommunications network.

Accordingly, claim 1 is patentable over Kato. Dependent claims 2-9 and 36-38 depend from claim 1 and thus derive patentability both from their dependence from claim 1 as well as from reciting their own patentable features. The rejection of those claims should therefore be withdrawn. Claims 15-24; 36-38; and 43-46 are also allowable for at least the same reasons.

The Examiner rejected claims 51-53 and 55-57 under 35 U.S.C. § 102(e) as being anticipated by Class et al. (Class). Claim 51 recites:

A method of determining a location, comprising the steps of:

- (1) loading a first data file comprising state information;
- (2) receiving a first audible input from a user;
- (3) comparing the first audible input to the first data file to determine a selected state;
- (4) loading a second data file comprising a plurality of cities, wherein each city is geographically located at least partially in the selected state.

The claimed invention enables a location to be determined by receiving an audible input from a user, comparing the input to a first data file to determine a state, and loading a second data file comprising cities in the selected state. One advantage of the claimed invention is that memory is used efficiently by not loading cities located in states other than the selected state.

Class does not anticipate claim 51. Class describes a method for using verbal input to specify a destination to a navigation system. Unlike the claimed invention, Class loads an entire basic vocabulary from the start, and does not load more specific data files in turn, as claimed. For example, Table 2 at col. 17, lines 28-50 indicates that an ambiguity can result from Class' system, such as when "Neunkirchen was found 18 times in 6 states." As Class itself says, "in order to resolve the ambiguity, additional interrogation criteria must be employed." Thus, far from anticipating the claimed invention, which loads more specific data files into memory as needed, Class actually teaches away from it, by initially loading all of the lexicons into

memory. In the above example, according to Class each data file having "Neunkirchen" is loaded, and the user then chooses the correct instance of Neunkirchen. In contrast, in the claimed invention, only once the correct state containing Neunkirchen is selected by comparing the audible input to the first data file would the second data file be loaded.


Claim 51 is therefore patentable over Class. Dependent claims 52-54 are also patentable because of their dependence from claim 51 and because each recites its own patentable features. Independent claim 55 and its dependent claims 56-58 are patentable over Class for reasons analogous to claim 51.

Finally, the Examiner did not specifically address claims 59 or 60 in her rejections. Applicants note however that those claims are patentable for at least the same reasons as claim 1.

If any matters remain outstanding prior to allowance of the claims, the Examiner is invited to contact the undersigned attorney at (415) 875-2358 or via e-mail at dbrownstone@fenwick.com. Applicants acknowledge that a copy of any electronic mail communications will be made of record in the application file per MPEP § 502.03.

Respectfully submitted,
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Date: 7-Dec-2005

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